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Letter dated 28 May 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 7 March 2002 (S/2002/271).

The Counter-Terrorism Committee has received the attached supplementary report from Grenada, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Security Council Committee established pursuant
to resolution 1373 (2001) concerning counter-terrorism

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Annex

Letter dated 20 May 2002 from the Permanent Representative of Grenada to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

I have the honour to forward the response of the Government of Grenada to the questionnaire of the Counter-Terrorism Committee regarding Grenada's report on counter-terrorism for the purposes of Security Council resolution 1373 (2001) of 28 September 2001 (see enclosure).

(*Signed*) **Lamuel Stanislaus**
Ambassador
Permanent Representative

Enclosure

Report of Grenada on counter-terrorism for the purposes of Security Council resolution 1373 (2001) of 28 September 2001

The following constitute the Government of Grenada's responses to the issues contained in UN Resolution 1373 (2001).

Sub-Paragraph 1 (c):

A Freezing order (which has the same purpose and effect as a Mareva Injunction) may be obtained in civil proceedings under the Civil Procedure Rules, 2000. This remedy however applies only to proceedings commenced in Grenada. In this regard the relevant rule demonstrates great flexibility by providing that:

"The Court may grant an interim remedy whether or not there has been a claim for a final remedy of that kind".

The legal avenue by which assets may be frozen is by way of reciprocal enforcement of a judgement. This has a legal pre-condition or prerequisite being the existence of legislation to facilitate the enforcement of judgment issue in the two countries involved. Such legislation exists in Grenada for the reciprocal enforcement of judgements in Grenada and Britain by virtue of the Foreign Judgments (Reciprocal Enforcement) Act Cap.113

Under the local proceedings, with respect to assets in Grenada. the application may be made without notice to the defendant (ie ex parte). However in the case of reciprocal enforcement of a Judgment issued in Britain, whether or not it contains a freezing order, the defendant must be served or notified.

Outside of the freezing order, Grenada has no legislation or rule of law, which permits the freezing of assets without judicial proceedings.

Sub-Paragraph 1 (d)

This sub-paragraph relates to, inter alia, the commission of "terrorist acts." This term is unknown to the laws of Grenada. However the general offence of "conspiracy" is provided for in the Criminal code and relates to two or more persons agreeing to act together with a common purpose in committing or abetting a Crime, whether with or without any previous concert or deliberation. Further, such a conspiracy extends or includes an agreement with another person who is beyond the jurisdiction for the commission or abatement of any crime to be committed by them either of them, or by any other person, either within or beyond the jurisdiction.

This means that persons both in Grenada and elsewhere can be charged with various offences against the person (eg murder) as well as other offences, such as against property (eg arson), and persons outside the jurisdiction can be charged with conspiracy to commit these offences.

Sub-Paragraph 2 (a):

The matter of the possession and use of firearms is governed comprehensively by the Firearms Act Cap. 105- so that any illegal possession or supply thereof is an offence under the Act.

Sub-Paragraph 2 (b):

It is a well-established practice for the Royal Grenada Police Force to exchange information with other law enforcement agencies both regionally and internationally. In case of the latter, this would include the FBI, Scottland Yard and Interpol.

The following steps are taken to prevent the commission of terrorist acts internally and externally:

a. Information is shared internally through inter-agency meetings and externally through National Joint Headquarters (NJHQ), Caribbean Customs Law Enforcement Council (CCLEC), Regional Legal Attaches (US and Canada), INTERPOL, Drug Enforcement Agency (DEA), the Regional Security System (RSS) and Anti-Money Laundering Institutions. It must be noted however that in some cases the system of information sharing with the external institutions is suffering from lack of reciprocity.

b. Inter-Agency Co-operation. All law-enforcement responsibility in Grenada lies with the Commissioner of Police (COP),for matters relating to security (national and territorial), narcotics control, financial tracking, and immigration control and to the Comptroller of Customs fc. natters relating to customs issues.

c. Every member of the Police Force has the power of a custom officer. The nexus between the Customs Department and the Police Force is the Special Branch (SB) who meets regularly to share information and plan operations. The other units, which fall directly under the command and control of the COP, meet weekly and on other occasions as the need arises to share information and plan joint operations. They are Immigration, Fire, Coast Guard (CG), Special Service Unit (SSU), Criminal Investigation Department (CID), Special Branch (SB), Financial Investigative Unit (FIU) and Drug Squad (DS).

d. In addition to these coordinated efforts, Port Authority nexus the police force through Police Officers stationed on the main port in St. George's and at the International Airport. The Immigration department covers the other Ports as well.

e. A Master List with the names of all known terrorists and their associates is distributed to all Ports of Entry and to all financial institutions in Grenada.

f. The National Security Council (NSC) also meets on an as needed basis and consists of the Minister of National Security, the National Security Advisor, the Commissioner of Police (COP), Comptroller of Customs, Commissioner of Prisons, Attoney General, Minister of Legal Affairs and Permanent Secretary, Ministry of National Security.

Sub-Paragraph 2 (c) and (d):

Under the Immigration Act, Cap 145 the Minister responsible for national security has the ultimate power to permit entry or to deport persons fromGrenada.

Sub-Paragraph 2 (e):

Sentences under the criminal code, Cap 1 Section 230 range from fines or custodial sentences, or both, or death, in the case of a person found guilty of murder by a court of competent jurisdiction.

Under the criminal code only persons found guilty of murder by a competent Grenada court can be sentenced; which sentence in turn depends on the penalty provided by law.

Sub-Paragraph 2 (f):

Grenada has extradition treaties with the United States of America, the Republic of China and Britain. In addition at independence, as an act of sovereignty Grenada succeeded to a number of treaties, including extradition, between Britain and other countries and by which Grenada would have been bound as a dependency of Britain.

With respect to the sharing of information, to some extent, information can be exchanged under the mutual legal assistance treaties in criminal matters between Grenada and the United States of America. Also under the mutual legal assistance in criminal matters for commonwealth countries, which has been enacted by parliament in Grenada, information of a similar nature can be exchanged.

Sub-paragraph 2 (g):

Due diligence procedures involve police and law-enforcement agencies where the subject has resided plus financial institutions with which he or she has conducted business. In some instances one of the reputable due diligence agencies may be asked to provide information on the subject.

In addition to the foregoing, the local police are required to send inquiries to their international contacts.

Sub-paragraph 3 (a & b):

Grenada through its legal system has the institutional mechanism to deal with the resolution.

a. Information received internally and or externally on the movements of terrorist persons is passed on to US Legal Attache, Canadian Legal Attache, INTERPOL Links, JOC Links and other regional and inte...ational institutions with the operational capability to assist in dealing with the threat. However, there is a serious problem with the retrogression of information relating to these issues. In light of these developing circumstances, assistance is needed to have a Virtual Private Network (VPN) in place. That is a secure communication network between Grenada and these external agencies.

b. Laws controlling the dealing in, manufacturing, repairing, owning and using of firearms can be found in the Firearms Act CAP 105 of the 1990 Laws of Grenada.

c. Laws controlling the dealing in, selling and purchasing of explosives can be found in the Explosives Act CAP 67 of the 1990 Laws of Grenada.

d. Our domestic laws may not specifically address specific issues against terrorist acts but cooperates well with administrative and judicial matters to prevent the commission of terrorist acts. Several pieces of legislations can address issues relating to terrorism. They are: the Criminal Code, Mareva Injunction, Immigration Act, and the Money Laundering Act. All of these legislations have suppressive effects on all terrorist acts.

Sub-paragraph 3 (c):

Grenada has bilateral agreements with the United States of America with respect to extradition and mutual legal assistance in criminal matters. These treaties could assist in the implementation of paragraph 3 of the resolution.

The Regional Security System Treaty to which Grenada is a party addresses issues relating to bilateral and multilateral arrangements and agreements to prevent and suppress terrorist attacks and to take action against perpetrators of such acts. Regular training exercises bring together SSU, CG, DS, and CID in routine operations.

Sub-paragraph 3 (e & g):

The crimes set forth in the relevant international conventions have been included in the bilateral treaties between Grenada and Britain and between Grenada and the United States of America.

Sub-paragraph 3 (f) and (g):

The legislation mentioned above plus the administrative machinery in the relevant government ministries are adequate for ensuring the implementation of the relevant paragraphs of the resolution

Political motivation is not a ground for refusing requests for the extradition of alleged terrorists.

Paragraph 4

Grenada has addressed the concerns expressed in paragraph 4 of the resolution. Further Grenada's criminal laws, police force, FIU and membership of the Regional Security System (RSS) are all parts of the equation. New Proceeds of Crimes Act, when enacted will futher enhance this capability.